

## **Internet and Copyright**

### **Abstract**

This master's thesis discusses the role and effect of copyright in the ever-changing Internet environment which (due to its specifics) requires special legislature providing for exploitation of creative works. The main aim of this thesis is to analyze relevant legal aspects of important ways of use of author's works in cyberspace, identify the problematic areas in currently effective legal framework and evaluate the possible outcomes of recently adopted EU copyright reform on a digital single market. The thesis is divided into five chapters where the first two serve as a general introduction to the topic while the following three are rather analytically descriptive or almost exclusively analytic.

The first chapter focuses on Internet's technical background and thus forms the necessary basis for subsequent reading. Its content is not limited to terminology but also encompasses the description of Internet's main technical features which largely affect the boundaries for digital copyright. Finally, legitimacy of regulation in cyberspace is discussed and eventually approved.

The second chapter provides a general insight into the key aspects, principles and sources of copyright law which is vital for understanding the topics discussed in the following chapters. At the end, main challenges of the Internet for traditional copyright are presented.

The third chapter then aims to clarify the definition of author's work in accordance with Czech law and seeks to provide a legal analysis of the main (both general and specific) ways of use of author's work on the Internet. This represents the core part of the thesis which puts into fruition the knowledge from previous chapters and at the same time provides relevant grounds for reaching final conclusions. Five frequent ways of use of author's work in cyberspace are selected for detailed evaluation based on their economic significance or likelihood of occurrence in everyday life.

Unfortunately, not every case of use of author's work on the Internet is lawful. The fourth chapter therefore provides legal analysis of rules governing responsibility for breach of copyright. The emphasis is placed especially on evaluating the responsibility of internet service providers. In this connection, the legal concept of safe harbour is put under scrutiny since it may be unclear whether its effects are beneficial or harmful for the interests of rightsholders.

The increasing economic power of internet service providers triggered the recent efforts of the EU to carry out a reform of copyright on a digital single market which represent the subject matter of

the final chapter of the thesis. Three main topics are discussed – the reasons for reform, evolution of the reform and the influence thereof by a heated public debate and finally the evaluation of possible impacts of the reform on legal relationships on the digital single market. At present, the author is of the opinion that the reform will not be able to satisfy its main goals.

In conclusion, the thesis maps both the current and the possible future relationship between the Internet and the copyright. Even though the need to reform a digital copyright on the EU level is apparent, it is currently impossible to reach a conclusion that the recent legislative efforts are able to meet the stated ambitious goals. Until the rules are properly implemented and enforced, the information society will remain unsure about the scope of their rights and obligations.

**Key words: Copyright, Internet, Use of the Work**